

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK W. BROCKMAN, HERVE OHMER and DAVID L. MALONE



Appeal No. 2006-1500
Application No. 10/701,325

ON BRIEF

Before OWENS, CRAWFORD and NAPPI, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a rejection of claims 1-21 and 25.

Claims 22-24 stand objected to by the examiner.¹ Claims 26 and 27 have been allowed.

THE INVENTION

The appellants claim an apparatus and method wherein inductive couplers are used in communication between main bore

¹ The objection is a petitionable matter, not an appealable matter and, therefore, is not before us.

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equipment and lateral branch equipment in a well. Claim 1 is illustrative:

1. An apparatus for use in a well having a main bore and a lateral branch, the lateral branch comprising an electrical device, the apparatus comprising:

an inductive coupler mechanism to electrically communicate electrical signaling in the main bore with the electrical device in the lateral branch.

THE REFERENCES

More et al. (More)	5,008,664	Apr. 16, 1991
Pringle et al. (Pringle)	5,542,472	Aug. 6, 1996
Tubel et al. (Tubel)	5,959,547	Sep. 28, 1999

THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-21 and 25 over Tubel in view of More, and claims 18 and 19 over Tubel in view of More and Pringle.

OPINION

We affirm the aforementioned rejections.

The appellants argue the claims in three groups: 1) claims 1 and 20, 2) claims 2-7, and 3) claims 8-19 (brief, pages 5-10). Although an additional reference is applied to claims 18 and 19, the appellants do not separately argue those claims (brief, page 10). Accordingly, we limit our discussion to one claim in each

of the argued groups, i.e., claims 1, 2 and 8. See 37 CFR § 41.37(c) (1) (vii) (2004).

Claim 1

Tubel discloses downhole control systems that can communicate with downhole control systems in other zones in the same or different wells (col. 5, lines 16-19). The control systems have multiple downhole electronically controlled electromechanical devices and multiple computer based surface systems operated from multiple locations (col. 6, lines 9-13). Information obtained by transmitters and receivers is forwarded to a downhole module and transmitted to the surface by hardwired or wireless communication techniques, such as transmission using an inductive coupler and a tubular encased conductor (col. 18, lines 42-49).

More discloses that inductively coupling a first downhole coil and an adjacent second downhole coil "desirably eliminates the need to mechanically connect the elements on which the coils are mounted, and thus greatly simplifies the handling of downhole equipment in preparation for (and during) drilling, logging, and producing operations" (col. 1, lines 23-28).

The appellants argue that there is no motivation to combine the teachings of Tubel and More such that More's inductive coupler is used to communicate electrical signaling in Tubel's main bore with an electrical device in one of Tubel's lateral branches (brief, pages 5-7). That motivation is to provide the aforementioned benefit of inductive coupling disclosed by More.

The appellants, therefore, have not convinced us of reversible error in the rejection of claim 1. Consequently, we affirm the rejection of that claim and claim 20 that stands or falls therewith.

Claim 2

Claim 2 requires that a first inductive coupler portion is attached to a connector mechanism adapted to connect equipment in a main bore to equipment in a lateral branch.

The appellants argue "although Appellant agrees with the Examiner that an inductive coupler portion would typically be attached to some structure in a well, there is no teaching or suggestion in either Tubel or More of attaching an inductive coupler portion to a connector mechanism adapted to connect equipment in the main bore to equipment in the lateral branch" (brief, page 9).

The appellants' claim 2 does not require that the first inductive coupler portion is attached directly to the connector mechanism. Hence, an inductive coupler portion, as suggested by More, that is in Tubel's main bore or lateral branch and is indirectly connected to Tubel's connector mechanism meets the requirements of the appellants' claim 2. We therefore affirm the rejection of claim 2 and claims 3-7 that stand or fall therewith.

Claim 8

Claim 8 requires an electrical cable connecting a first inductive coupler assembly proximal equipment in a main bore to a second inductive coupler assembly proximal equipment in a lateral branch.

The appellants argue that "Tubel fails to teach or suggest the first and second inductive coupler assemblies, and More fails to teach or suggest the second inductive coupler assembly proximal equipment in the *lateral branch*" (brief, page 9). The appellants improperly are attacking the references individually when the rejection is based on a combination of references. See *In re Keller*, 642 F.2d 413, 426, 208 USPQ 871, 882 (CCPA 1981); *In re Young*, 403 F.2d 754, 757-58, 159 USPQ 725, 728 (CCPA 1968).

Using More's inductive coupler in Tubel's lateral branch would have been fairly suggested to one of ordinary skill in the art by

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those references as discussed above. Accordingly, we affirm the rejection of claim 8 and claims 9-19 that stand or fall therewith.

DECISION

The rejections under 35 U.S.C. § 103 of claims 1-21 and 25 over Tubel in view of More, and claims 18 and 19 over Tubel in view of More and Pringle, are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

Terry J. Owens
TERRY J. OWENS)
Administrative Patent Judge)
)
Muriel E. Crawford) BOARD OF PATENT
MURRIEL E. CRAWFORD) APPEALS
Administrative Patent Judge) AND
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